

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on March 10, 2017 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Seth Berglee, Vice Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Laurie Bishop (D)
Rep. Bob Brown (R)
Rep. Jennifer Eck (D)
Rep. Bill Harris (R)
Rep. Ellie Hill Smith (D)
Rep. Kathy Kelker (D)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. Shane A. Morigeau (D)
Rep. Dale Mortensen (R)
Rep. Zac Perry (D)
Rep. Matt Regier (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Barry Usher (R)
Rep. Kirk Wagoner (R)

Members Excused:

Rep. Casey Knudsen (R)

Members Absent: None

Staff Present: Sara Fleming, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 28, 3/7/2017; SJ 3, 3/7/2017

Executive Action: SB 59, SB 60, SB 63, SB 64, SB 65, SB 67, SJ 3, SJ 11

HEARING ON SJ 3**Opening Statement by Sponsor:**

00:01:27 Sen. Cynthia Wolken (D), SD 48, opened the hearing on SJ 3, Interim study of tribal resources for mbrs involved in criminal justice system.

Proponents' Testimony:

00:02:51 Kevin Olson, Montana Department of Corrections (COR)
00:03:26 SK Rossi, American Civil Liberties Union (ACLU)
00:04:21 Hillary Ann Crosby, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

Opponents' Testimony: None**Informational Testimony:** None**Questions from Committee Members and Responses:**

00:05:00 Rep. Sheldon-Galloway
00:05:34 Kevin Olson (COR)
00:05:54 Rep. Harris
00:06:26 Kevin Olson (COR)

Closing by Sponsor:

00:07:05 Sen. Wolken

HEARING ON SB 28**Opening Statement by Sponsor:**

00:07:40 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 28, Allow Water Court review of certain DNRC decisions.

[EXHIBIT\(juh50a01\)](#)**Proponents' Testimony:**

00:12:32 Abigail St. Lawrence, Montana Association of Realtors (MAR), Bloomquist Law Firm
00:18:17 Bina Peters, Self
00:19:55 Mike Murphy, Montana Water Resources Association (MWRA)
00:22:09 Chelcie Cargill, Montana Farm Bureau Federation (MFBF)
00:23:49 Lorents Grosfield, Self
00:26:04 Kevin Germain, Self
00:26:56 Colleen Coyle, Self
00:27:28 Levi Ostberg, Montana Farmers Union (MFU)

Opponents' Testimony:

00:28:20 John Tubbs, Montana Department of Natural Resources and Conservation (DNRC)
00:36:06 Krista Lee Evans Association of Gallatin Agricultural Irrigators (AGAI)
00:41:10 Kori Anderson, Montana Stock Growers Association (MSGA), Montana Cattlemen
00:41:56 Brian Ohs, Montana Trout Unlimited (MTU)

Informational Testimony: None

Questions from Committee Members and Responses:

00:43:35 Rep. Court
00:44:00 Abigail St. Lawrence, MAR, Bloomquist Law Firm
00:52:13 Rep. McConnell
00:53:33 Krista Lee Evans, AGAI
00:56:00 Rep. McConnell
00:56:27 Krista Lee Evans, AGAI
00:58:12 Rep. Hill Smith left the meeting
00:58:53 Rep. McConnell
00:59:25 Sen. Vincent
01:02:56 Rep. Regier
01:03:22 Krista Lee Evans, AGAI
01:03:55 Rep. Harris
01:04:53 Abigail St. Lawrence, MAR, Bloomquist Law Firm
01:11:19 Rep. Manzella
01:12:50 Krista Lee Evans, AGAI
01:14:29 Chair Doane
01:15:31 Rep. Usher
01:16:26 Bina Peters, Self
01:18:35 Rep. Kelker
01:19:21 John Tubbs, DNRC
01:23:46 Rep. Wagoner

Closing by Sponsor:

01:24:31 Sen. Vincent

01:34:10 Recess
02:02:11 Reconvene

EXECUTIVE ACTION ON SB 59

Discussion:

02:02:23 Helen Thigpen, Legislative Services Division (LSD)

02:02:55 **Motion:** Rep. Berglee moved that **SB 59 BE CONCURRED IN.**

Discussion:

02:03:20 Helen Thigpen, LSD

02:05:31 **Motion:** Rep. Berglee moved that **SB 59 BE AMENDED.**

[EXHIBIT\(juh50a02\)](#)

Discussion:

02:06:02 Sen. Wolken
02:06:40 Rep. Manzella
02:07:30 Sen. Wolken
02:08:35 Rep. Wagoner
02:08:57 Sen. Wolken

02:09:08 Rep. Usher

02:09:16 **Vote:** Motion carried unanimously by voice vote. Rep. Eck, Rep. Hill Smith and Rep. C. Knudsen voted by proxy.

02:09:48 **Motion/Vote:** Rep. Berglee moved that **SB 59 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Rep. Eck, Rep. Hill Smith and Rep. C. Knudsen voted by proxy. Rep. Kelker will carry the bill.

EXECUTIVE ACTION ON SB 60

Discussion:

02:10:59 Helen Thigpen, LSD

02:11:50 Chair Doane

02:11:56 **Motion:** Rep. Berglee moved that **SB 60 BE CONCURRED IN**.

Discussion:

02:12:05 Rep. McConnell

02:12:36 **Vote:** Motion carried unanimously by voice vote. Rep. Eck, Rep. Hill Smith and Rep. C. Knudsen voted by proxy. Rep. McConnell will carry the bill.

EXECUTIVE ACTION ON SB 63

Discussion:

02:13:22 Helen Thigpen, LSD

02:14:07 **Motion:** Rep. Berglee moved that **SB 63 BE CONCURRED IN**.

Discussion:

02:14:18 Rep. McConnell

02:14:48 **Vote:** Motion carried unanimously by voice vote. Rep. Eck, Rep. Hill Smith and Rep. C. Knudsen voted by proxy. Rep. McConnell will carry the bill.

EXECUTIVE ACTION ON SB 64

Discussion:

02:15:26 Helen Thigpen, LSD

02:16:03 **Motion:** Rep. Berglee moved that **SB 64 BE CONCURRED IN**.

Discussion:

02:16:17 Rep. Sheldon-Galloway

02:18:15 Rep. Court

02:18:34 Chair Doane

02:18:46 Rep. Usher

02:18:57 Sen. Wolken

02:20:04 Chair Doane

02:20:53 **Substitute Motion/Vote:** Rep. M. Regier moved that **SB 64 BE TABLED**. Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau, Rep. Perry and Rep. Wagoner voting no. Rep. Eck, Rep. Hill Smith and Rep. C. Knudsen voted by proxy.

EXECUTIVE ACTION ON HB 65

Discussion:

02:22:31 Helen Thigpen, LSD

02:23:19 **Motion:** Rep. Berglee moved that **SB 65 BE CONCURRED IN**.

02:23:48 **Motion:** Rep. Usher moved that **SB 65 BE AMENDED**.

[**EXHIBIT\(juh50a03\)**](#)

Discussion:

02:24:06 Helen Thigpen, LSD

02:24:37 Rep. Usher

02:24:58 Chair Doane

02:25:13 Rep. Kelker

02:26:20 Chair Doane

02:27:04 Rep. Court

02:27:50 Rep. Harris

02:28:46 **Vote:** Motion carried 12-7 by roll call vote with Rep. Berglee, Rep. B. Brown, Rep. Doane, Rep. C. Knudsen, Rep. Manzella, Rep. M. Regier and Rep. Sheldon-Galloway voting no. Rep. Eck, Rep. Hill Smith and Rep. C. Knudsen voted by proxy.

02:29:57 **Motion:** Rep. Berglee moved that **SB 65 BE CONCURRED IN AS AMENDED**.

Discussion:

02:30:09 Rep. Court

02:30:59 Rep. Berglee

02:32:01 Rep. Sheldon-Galloway

02:35:04 Rep. Morigeau

02:36:27 Rep. McConnell

02:36:51 Rep. Bishop

02:37:31 **Vote:** Motion carried 17-2 by roll call vote with Rep. Doane and Rep. Sheldon-Galloway voting no. Rep. Eck, Rep. Hill Smith and Rep. C. Knudsen voted by proxy. Rep. Usher will carry the bill.

EXECUTIVE ACTION ON SB 67

Discussion:

02:39:23 Helen Thigpen, LSD

02:39:52 **Motion/Vote:** Rep. Berglee moved that **SB 67 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Eck, Rep. Hill Smith and Rep. C. Knudsen voted by proxy. Rep. Wagoner will carry the bill.

EXECUTIVE ACTION ON SJ 3

02:41:06 **Motion:** Rep. Berglee moved that **SJ 3 BE CONCURRED IN**.

Discussion:

02:41:24 Chair Doane

02:41:43 **Vote:** Motion carried 16-3 by roll call vote with Rep. Manzella, Rep. M. Regier and Rep. Sheldon-Galloway voting no. Rep. Eck, Rep. Hill Smith and Rep. C. Knudsen voted by proxy. Rep. Doane will carry the bill.

EXECUTIVE ACTION ON SJ 11

Discussion:

02:43:11 Helen Thigpen, LSD

02:43:29 **Motion:** Rep. Berglee moved that **SJ 11 BE CONCURRED IN**.

Discussion:

02:43:45 Rep. McConnell
02:44:19 Rep. Morigeau
02:46:09 Chair Doane
02:46:49 Rep. Kelker
02:49:07 Rep. Usher
02:50:48 Rep. Harris
02:52:09 Rep. Berglee
02:55:23 Rep. McConnell
02:57:24 Rep. Morigeau
02:59:34 Chair Doane
03:00:28 Rep. Berglee
03:01:04 Rep. Morigeau
03:01:31 Chair Doane

03:01:50 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Eck, Rep. Hill Smith and Rep. C. Knudsen voted by proxy. Rep. Regier will carry the bill.

Committee Business:

03:03:45 Rep. Morigeau
03:03:56 Chair Doane

EXECUTIVE ACTION ON SB 305

03:04:14 **Motion:** Rep. McConnell moved that **SB 305 BE SCHEDULED FOR HEARING ON MARCH 23RD.**

Discussion:

03:04:46 Chair Doane
03:05:45 Helen Thigpen, LSD
03:05:50 Rep. McConnell
03:05:56 Chair Doane
03:06:03 Rep. McConnell
03:06:23 Chair Doane
03:06:35 Rep. Usher
03:07:40 Chair Doane

03:08:18 Rep. McConnell **WITHDREW THE MOTION.**

Discussion:

03:08:34 Chair Doane

ADJOURNMENT

Adjournment: 03:09:04

Sara Fleming, Secretary

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Additional Documents:

EXHIBIT([juh50aad.pdf](#))